

**SJC RULE 1:07, § 1 REPORT**

<b>COURT:</b> Probate and Family Court Department					
<b>FISCAL YEAR:</b> 2014					
Type of Appointment		List	Method of Appointment	Qualification	Method of Application
1.	<b>Counsel in Mental Health Cases</b> Substituted Judgment and <u>Rogers</u> cases G. L. c. 190B, § 5-306A(a) <b>Counsel for incapacitated person or person to be protected, if above age of minority</b> G. L. c. 190B, § 5-106(a), § 5-309(g) <b>Counsel for principal in health care proxy proceedings</b> G. L. c. 201D, § 6, § 17 <b>Counsel for elderly person in protective services action</b> G. L. c. 19A, § 20 <b>Counsel for disabled person in protective services action</b> G. L. c. 19C, § 7	<b>A</b>	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to:  C.P.C.S. 44 Bromfield Street Boston MA 02108 (617)482-6212
2.	<b>Counsel for ward, minor incapacitated person or minor person to be protected</b> G. L. c. 190B, § 5-106(a) <b>Counsel for child or parent in contested, private adoption</b> G. L. c. 210, § 6 cases, <u>Adoption of Meaghan</u> , 461 Mass. 1006 (2012)	<b>B</b>	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to:  C.P.C.S. 44 Bromfield Street Boston MA 02108 (617)482-6212
3.	<b>Counsel for child or parent</b> G. L. c. 119, § 23(a)(1), § 23(a)(3) G. L. c. 119, § 29, § 29B G. L. c. 210, § 3 <u>Dept. Of Public Welfare v. J.K.B.</u> , 379 Mass. 1 (1979) <u>Balboni v. Balboni</u> , 39 Mass. App. Ct. 210 (1995)	<b>C</b>	By Judge from C.P.C.S. list	Certification by C.P.C.S.	Apply to:  C.P.C.S. 44 Bromfield Street Boston MA 02108 (617)482-6212

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4.	<p><b>Guardian <i>ad litem</i> or next friend</b> For minor, protected person, incapacitated person or person not ascertained or not in being, in a formal proceeding involving trusts or estates of decedents, minors, protected persons, or incapacitated persons, and in judicially supervised settlements, G. L. c. 190B, § 1-404(a)</p> <p><b>Guardian <i>ad litem</i> - Notice</b> For spouse, heir at law or devisee who is an incapacitated or protected person or a minor, in a probate or appointment proceeding, unless the spouse, heir or devisee is under conservatorship or, if not under conservatorship, is under guardianship by someone other than the petitioner or is represented by someone other than the petitioner, G. L. c. 190B, § 1-404(d), G. L. c. 203A, § 3</p> <p><b>Guardian <i>ad litem</i> - Account</b>, G. L. c. 190B, § 5-418(d)</p> <p><b>Guardian <i>ad litem</i> - Trust</b>, G. L. c. 203E, § 305</p> <p><b>Trustee</b>, G. L. c. 203, § 4; G. L. c. 203E, § 414(b), § 704(c)(3), § 704(d)</p> <p><b>Trustee for animal trust</b>, G. L. c. 203E, § 408(e)</p> <p><b>Person to enforce animal trust</b>, G. L. c. 203E, § 408(f)</p> <p><b>Person to enforce non-charitable trust without ascertainable beneficiary</b>, G. L. c. 203E, § 409(2)</p>	<b>D</b>	By Judge from Probate and Family Court Department list	<p>-Admission to practice before SJC, in good standing</p> <p>-No felony conviction</p> <p>-At least 3 years experience practicing probate law in the Probate and Family Court of Massachusetts, of which one year may be</p> <p>-serving a term as a law clerk for the Probate and Family Court Department, <b>or</b></p> <p>-At least 3 years experience as an Assistant Register/Assistant Judicial Case Manager/Judicial Case Manager</p> <p>-Professional liability insurance with at least \$100,000 coverage</p> <p>-Mandatory CLE as established by the Probate and Family Court on a yearly basis</p>	<p>Apply to:</p> <p>Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>
5.	<p><b>Guardian <i>ad litem</i></b> Evaluator - custody/visitation/adoption issue G. L. c. 215, § 56A</p>	<b>E</b>	By Judge from Probate and Family Court Department list	<p>-License to practice medicine or psychology or a licensed</p> <p>-independent clinical social worker or a licensed marriage and</p> <p>-family therapist or a licensed rehabilitation counselor or a licensed</p> <p>-mental health counselor, in good standing</p> <p>-No felony conviction</p> <p>-At least 3 years of experience since licensure conducting-clinical evaluations and/or providing therapy with family members-involved in or subject to court proceedings which include issues of-child custody and visitation in paternity, guardianship of minor,-state intervention, divorce and post-divorce cases</p> <p>-Professional liability insurance with at least \$100,000 coverage</p> <p>-Attendance at two-day mandatory training established by the Probate and Family Court prior to submitting application</p> <p>-Once approved for the list, attendance each year at the mandatory training established by the Probate and Family Court</p>	<p>Apply to:</p> <p>Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108</p>

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6.	<b>Guardian <i>ad litem</i></b> Investigator - domestic relations or custody/visitation/adoption case, G. L. c. 215, § 56A <b>Guardian <i>ad litem</i> or next friend</b> G. L. c. 190B, §§ 1-404, 5-106(b)	<b>F</b>	By Judge from Probate and Family Court Department list	-Clinician meeting requirements for category E, <b>or</b> -A licensed certified social worker or a licensed social worker or a licensed marriage and family therapist or a licensed rehabilitation counselor or a licensed mental health counselor, <b>and</b> -At least 3 years of experience conducting investigations in -care and protection (G.L. c. 119, § 24 <i>et seq.</i> ) cases and/or, in the -Probate and Family Court Department, conducting investigations -on issues of child custody and visitation in paternity, guardianship -of minor, adoption, state intervention, divorce and post-divorce cases, <b>or</b> -Attorney admitted to practice before SJC, in good standing -At least 3 years experience practicing domestic relations law in -the Probate and Family Court of Massachusetts, including cases -involving divorce, paternity, custody, visitation, child support, -alimony and contempt For clinicians and attorneys: -No felony conviction -Professional liability insurance with at least \$100,000 coverage -Attendance at two-day mandatory training established by the Probate and Family Court prior to submitting application -Once approved for the list, attendance each year at the mandatory training established by the Probate and Family Court	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
	<b>For attorneys only:</b> <b>Guardian for incompetent divorce defendant</b> , G. L. c. 208, § 15 <b>Counsel</b> In divorce action to investigate or to investigate and defend, G. L. c. 208, § 16 <b>Guardian <i>ad litem</i></b> To commence contempt action, G. L. c. 215, § 56B <b>Guardian <i>ad litem</i>/next friend</b> To exercise or waive privileges in non-state intervention cases				
7.	<b>Guardian <i>ad litem</i>/next friend</b> For actions involving state intervention pursuant to G. L. c. 119, § 29 or G. L. c. 210, § 3 To exercise or waive privileges - <u>Adoption of Diane</u> , 400 Mass. 196 (1987); G. L. c. 112, § 135B; G. L. c. 233, § 20B For a minor parent signing an adoption surrender - <u>Adoption of Thomas</u> , 408 Mass. 446 (1990)	<b>G</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 3 years experience practicing in the Probate and Family Courts of Massachusetts, including custody cases pursuant to -G. L. c. 119, § 23, and adoption consent cases pursuant to -G. L. c. 210, § 3(b), and including issues of waiver of privilege -Certification by the Committee for Public Counsel Services to - accept appointments as counsel for children and parents in state - intervention custody and adoption consent cases -Familiarity with the provisions of G. L. c. 112, §§ 135, 135A, 135B - and 129A and G. L. c. 233, § 20B -Professional liability insurance with at least \$100,000 coverage -6 hours per year of CLE in this field until on this fee generating list for 5 years -3 hours of CLE in this field every other year if on this fee generating list for at least 5 years	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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8.	<b>Monitor of treatment process</b> G. L. c. 190B, § 5-306A(b)	<b>H</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 3 years experience practicing in the Probate and Family Courts of Massachusetts, including cases involving guardianship - and authority to administer antipsychotic medication to wards -Certification by the Committee for Public Counsel Services to - accept appointments as counsel in mental health cases -Professional liability insurance with at least \$100,000 coverage -6 hours per year of CLE in this field until on this fee generating list for 5 years -3 hours of CLE in this field every other year if on this fee generating list for at least 5 years	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
9.	<b>Guardian <i>ad litem</i> for elderly or disabled person in protective services action</b> <b>Counsel for non-indigent elderly or disabled person in protective services action</b> For elderly person in protective services action, G. L. c. 19A, § 20 For disabled person in protective services action, G. L. c. 19C, § 7	<b>I</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 3 years experience practicing guardianship/ - conservatorship law in the Probate and Family Court of - Massachusetts, including cases involving protective services for - elderly and/or disabled persons -Familiarity with the provisions of G. L. c. 19A and G. L. c. 19C -Professional liability insurance with at least \$100,000 coverage -6 hours per year of CLE in this field until on this fee generating list for 5 years -3 hours of CLE in this field every other year if on this fee generating list for at least 5 years	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
10.	<b>Guardian <i>ad litem</i>/next friend</b> Interest in real property, G. L. c. 190B, § 1-404 Alienation of land, G. L. c. 183, § 50 Partition of land, G. L. c. 241, § 9 <b>Commissioner</b> Partition of land, G. L. c. 241, § 12	<b>J</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 10 years experience practicing in the probate field in the - Probate and Family Court of Massachusetts, and in the real - estate field, including at least 3 cases involving the partition - of real estate in each of which cases real estate was partitioned - or sold after appointment of a commissioner -Familiarity with the provisions of G. L. c. 241 -Professional liability insurance with at least \$100,000 coverage -3 hours per year (after 2001) of CLE in this field	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
11.	<b>Guardian <i>ad litem</i></b> To investigate condition of incapacitated person or person to be protected, G. L. c. 190B, § 5-106(b)	<b>K</b>	By Judge from Probate and Family Court Department	Any person who is on list A, D, E, F, G, H, I, J or Q	There is no separate application for category K. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category K: A, D, E, F, G, H, I, J or Q.

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12.	<b>Guardian <i>ad litem</i></b> To investigate condition of ward, G. L. c. 190B, § 5-106(b)	<b>L</b>	By Judge from Probate and Family Court Department list	Any person who is on list D, E, F or G	There is no separate application for category L. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category L: D, E, F or G.
13.	<b>Guardian <i>ad litem</i></b> Temporary Guardianship - withholding medical treatment <u>Matter of Spring</u> , 380 Mass. 629 (1980) G. L. c. 190B, § 5-306A, § 5-308	<b>M</b>	By Judge from Probate and Family Court Department	Any person who is on list A, G, H or I	There is no separate application for category M. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category M: A, G, H or I.
14.	<b>Guardian <i>ad litem</i></b> Child Performers, G. L. c. 231, § 85P½ (d)(4)	<b>N</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 10 years experience practicing as an attorney drafting - and negotiating contracts for performers or entertainers -Familiarity with the provisions of G. L. c. 231, § 85P½ -Professional liability insurance with at least \$100,000 coverage -3 hours per year (after 2001) of CLE in this field	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
15.	<b>Physician, Certified Psychiatric Nurse Clinical Specialist or Licensed Psychologist</b> Expert in mental illness, Mass. R. Civ. P. 35, Mass. R. Dom. Rel. P. 35 G. L. c. 190B, § 5-303(e)	<b>O</b>	By Judge from Probate and Family Court Department list	-License to practice medicine in good standing -No felony conviction -At least 5 years devoting a substantial amount of time to the -practice of psychiatry -Have been qualified in courts of the Commonwealth as an expert -in the evaluation and treatment of mentally ill persons in at least -3 different court cases, <b>or</b> -Certification as Psychiatric Nurse Clinical Specialist in good -standing -No felony conviction -Practiced as Certified Psychiatric Nurse Clinical Specialist for at -least 5 years -Have been qualified in courts of the Commonwealth as an expert -in the evaluation and treatment of mentally ill persons in at least -3 different court cases, <b>or</b> -License to practice psychology in good standing -No felony conviction -Practiced psychology for at least 5 years since being licensed -as a psychologist -Have been qualified in courts of the Commonwealth as an expert -in the evaluation and treatment of mentally ill persons in at least -3 different court cases, <b>and</b> -Professional liability insurance with at least \$100,000 coverage -6 hours per year of CLE in this field until on this fee generating list for 5 years -3 hours of CLE in this field every other year if on this fee generating list for at least 5 years	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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16.	<b>Guardian of Minor</b> G. L. c. 190B, § 5-201, § 5-204, § 5-207	<b>P</b>	By Judge from Probate and Family Court Department list	Any person who is on list D, E, F or G	There is no separate application for category P. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category P: D, E, F or G.
17.	<b>Guardian</b> For an incapacitated person, G. L. c. 190B, § 5-305, § 5-308	<b>Q</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 3 years experience practicing law in guardianship cases -in the Probate and Family Court of Massachusetts -Have filed and had allowed by Court an account as guardian -Professional liability insurance with at least \$100,000 coverage -6 hours per year of CLE in this field until on this fee generating list for 5years -3 hours of CLE in this field every other year if on this fee generating list for at least 5 years	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
18.	<b>Conservator</b> G. L. c. 190B, § 5-407, § 5-409, § 5-412A <b>Receiver for absentee's property</b> G. L. c. 200, § 5	<b>R</b>	By Judge from Probate and Family Court Department list	Any person who is on list D or Q	There is no separate application for category R. Inclusion on either of the following lists makes a candidate eligible for appointment in category R: D or Q.
19.	<b>Master</b> Mass.R.Civ.P. 53; Mass.R.Dom.Rel.P. 53; G. L. c. 221, § 57	<b>S</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction, <b>and</b> -Former Probate and Family Court Judge who resigned, <b>or</b> -At least 15 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 7 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand, <b>and</b> -Professional liability insurance with at least \$100,000 coverage, <b>or</b> -Retired Probate and Family Court Judge	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
20.	<b>Special Master</b> To perform specific acts - Mass.R.Civ.P.70, Mass.R.Dom.Rel.P.70	<b>T</b>	By Judge from Probate and Family Court Department list	Any person on list D, G, J or Q, or any attorney on list F	There is no separate application for category T. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category T: D, F, G, J or Q.

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21.	<b>Discovery Master</b> Mass.R.Dom.Rel.P. 26(j)	<b>U</b>	By Judge from Probate and Family Court Department list	-Admission to practice before SJC, in good standing -No felony conviction -At least 10 years of experience practicing in the domestic relations field in the Probate and Family Court of Massachusetts, which has included participating in at least 5 domestic relations trials in which, for at least two days of each trial, witnesses were examined by applicant and gave testimony on the stand -Have represented a party in at least 5 cases which included contested discovery issues which were submitted to the judge or to a discovery master -Professional liability insurance with at least \$100,000 coverage -3 hours per year (after 2001) of CLE in this field	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
22.	<b>Counsel</b> For defendant in criminal contempt action, G. L. c. 211D, § 6(b)(ii)	<b>W</b>	By County Bar Advocates' list. Refer to CPCS website at <a href="http://www.publiccounsel.net">www.publiccounsel.net</a>		Contact office of County Bar Advocates
23.	<b>Counsel</b> (Military Attorney) for person in armed forces, Servicemembers Civil Relief Act, 50 U.S.C. Apps. § 501 <i>et seq.</i> <u>U.S. v. Henagan</u> , 552 F.Supp. 350 (M.D. Alabama N.D. 1982)	<b>X</b>	By Judge from Probate and Family Court Department list	Any person on list D or G or any attorney on list F or Q	There is no separate application for category X. Inclusion on any one or more of the following lists makes a candidate eligible for appointment in category X: D, F, G or Q.
24.	<b>Special Process Server</b> G. L. c. 215, § 34A	<b>Y</b>	By Judge from Probate and Family Court Department list	-Current appointment as constable by a city pursuant to G. L. c. 41, § 91, <b>or</b> -Current appointment as constable by selectmen of a town pursuant to G. L. c. 41, § 91A, <b>and</b> -Professional liability insurance with at least \$100,000 coverage	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
25.	<b>Stenographer</b> Supplemental Probate and Family Court Rule 18	<b>Z</b>	By Judge from Probate and Family Court Department list	-A Certified Court Reporter certified in any state in the United States, <b>or</b> -A Registered Professional Reporter registered with the National Court Reporters' Association, <b>and</b> -Professional liability insurance with at least \$100,000 coverage	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108
26.	<b>Visitation Supervisor</b>	<b>AA</b>	By Judge	-No felony conviction -At least 2 years of experience supervising child/parent visitation -Familiarity with and commitment to comply with Guidelines for Court Practices for Supervised Visitation -Professional liability insurance with at least \$100,000 coverage	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108

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27.	Transcriber	<b>BB</b>	By Judge from Probate and Family Court Department list	-A Certified Court Reporter certified in any state in the United States, <b>or</b> -A Registered Professional Reporter registered with the National Court Reporters' Association, <b>and</b> -Professional liability insurance with at least \$100,000 coverage	Apply to:  Denise M. Fitzgerald, Esq. John Adams Courthouse Pemberton Square Mezzanine Boston, MA 02108